



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 20-149

## RESOLUTION

RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN REAL PROPERTY.

WHEREAS, Sections 17-101 and 17-103.1 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"), establish the Honolulu Authority for Rapid Transportation ("HART"), which has the authority to develop the City's fixed guideway system; and

WHEREAS, Charter Section 17-103.2(b) provides that HART is empowered to acquire by eminent domain, in the name of the City, all real property or any interest therein necessary for the development of the fixed guideway system; provided that prior to commencing such action, HART must submit to the Council, in writing, a list of the parcels and areas to be acquired; and

WHEREAS, Charter Section 17-103.2(b) further provides that HART may proceed with such condemnation action if the Council: (1) fails to adopt a resolution objecting to the condemnation within 45 days of receipt of notification; or (2) affirmatively approves of the acquisition by resolution; and

WHEREAS, by Departmental Communication 358 (2020) ("D-358 (2020)"), which was officially received by the Council on June 2, 2020, HART notified the Council of its intention to acquire interests in certain real property by eminent domain; and

WHEREAS, the property interests described in D-358 (2020) for condemnation are fee simple interests in the real property identified as Tax Map Keys 2-3-004:029 and 2-3-004:079 (portions) and more particularly identified in the legal descriptions found in Exhibit A incorporated in HART's Resolution 2020-2 attached to D-358 (2020); and

WHEREAS, the abovementioned properties are situated at 401 Kamakee Street and 1141 Waimanu Street, Honolulu, Hawaii 96814; and are owned by Kaa Limited Partnership; and

WHEREAS, the 45th day following receipt of notification is July 17, 2020; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves of the Honolulu Authority for Rapid Transportation's acquisition, in the name of the City by eminent domain, of fee simple interests in the real property identified as Tax



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Map Keys 2-3-004:029 and 2-3-004:079 (portions), as more particularly identified in the legal descriptions found in Exhibit A incorporated in HART's Resolution 2020-2 attached to D-358 (2020); and

BE IT FURTHER RESOLVED that pursuant to Charter Section 17-103.2(b), the Honolulu Authority for Rapid Transportation may proceed with condemnation of such property interests; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Tobias Martyn, Chair of the Board of the Honolulu Authority for Rapid Transportation; Andrew S. Robbins, Executive Director and CEO of the Honolulu Authority for Rapid Transportation; and Mayor Kirk Caldwell.

INTRODUCED BY:

*Ron Menor*

DATE OF INTRODUCTION:

JUN 10 2020

Honolulu, Hawaii

Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

RESOLUTION 20-149

Introduced: 06/10/20 By: RON MENOR

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION'S NOTIFICATION REGARDING THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN REAL PROPERTY.

Voting Legend: \* = Aye w/Reservations

06/16/20	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-147 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA*, KOBAYASHI*, MENOR, TSUNEYOSHI, WATERS 2 EXCUSED: MANAHAN, PINE
07/08/20	COUNCIL	CR-147 AND RESOLUTION 20-149 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
GLEN I. TAKAHASHI, CITY CLERK

  
IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER